IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH.

C.M.No.560-CII of 1989
and R.F.A. No. 2476 of 1980
Date of Decision: 30.8.2006

Bhupinder Singh and others ..Appellants.

Versus

Union of India and others ..Respondents
.

CORAM: HON'BLE MR.JUSTICE H.S.BHALLA

Present:- Mr. C.B.Goel, Advocate
for the appellants.

Mr. Mehar Deep Singh, AAG, Punjab.

Mr. P.C.Goel, Advocate
for U.O.I.

H.S.BHALLA, J.

It is unnecessary to burden my order with the facts of the case, inasmuch as, these have been, in detail, recapitulated by the learned Additional District Judge, Patiala while passing his award. The present appeal is outcome of the award dated 28.8.1980 passed by Additional District Judge, Patiala, whereby the land owners have prayed for enhancement of compensation on various grounds mentioned in the reference petition. Hence, this appeal.

At the very out-set, Mr. C.B.Goel, learned counsel appearing for the appellants, has pointed out that at the time when the reference petition under Section 18 of the Act was filed before the District Judge, Patiala, although the market price of the acquired land was much more, but by an over-sight/inadvertence, in paras 3,4,5, 6 and prayer clauses, the prices of the land were mentioned as Rs.35,000/- per acre, whereas in fact, price was not less than Rs. One lac per acre and when appeal was being prepared, it was transpired that a very low price has been mentioned in the

reference petition filed under Section 18 of the Act and as such, it is prayed that appellants be permitted to amend the said reference petition by changing only the figure, where it appears as Rs.25,000/-per acre to Rs. One lac per acre. The appellants have, however, prayed that keeping in view the facts and circumstances of the case in equity and justice, the amendment sought may kindly be allowed and for this purpose,they have moved Civil Misc.Application No.560-CII of 1989.

Notice of this application was also given to the counsel opposite.

This application was ordered to be heard along with the main appeal.

I have herd the learned counsel for the parties and have also gone through the record of the case.

To my mind, in a land acquisition matter, where the action of the State is confiscatory in nature, and where a land owner can only hope for just and fair compensation, such an application must be given due consideration. In a free country like India, right to own property is a fundamental right given by the Constitution of India and every citizen, as per his desire, can possess moveable and immovable property, but at the same time, in the interest of State and General Public, the property of a person can be acquired, but certainly after awarding compensation to him and this is spirit of law, which spells out from the Land Acquisition Act, 1894 (for short as “the Act”).In such like circumstances, without commenting on the merits of the claim towards compensation, I dispose of this matter with a direction to the learned District Judge, Patiala to permit the land owners to amend the reference and give liberty to both the parties to lead evidence and to pass a fresh order in accordance with law.

The Civil Misc. Application and appeal are disposed of accordingly.

Parties shall appear before the learned District Judge, Patiala on 9.10.2006.

30.8.2006 (H.S.BHALLA)
VK JUDGE